

you're going to have to compare what percentage of that fault they did, so the two defendants, one of them may be 50 percent liable for all the injuries and the other one 50 percent liable for all the injuries. So the two defendants are both equally at fault. Now there's a 100 percent of the liability so the plaintiff, the person suing, in that case didn't have anything...they didn't do anything wrong. The chief part of the disagreement today is going to be over what do we do between those two defendants when one of them has no money, when one of those people can't pay? Should the other person who is 50 percent liable pay all of the damages and all of the injuries? Your gut reaction may be, well, that sounds reasonable. I mean, the plaintiff, the person who did nothing wrong, they shouldn't have to swallow that whole bite. They should be able to get all their money back away. If you follow that, that's Senator Ashford's bill. The person in that case where you have two defendants that are 50/50, the one person who has no money, the other person pays a 100 percent. Where does this get confused? Let's take those percentages away a little bit and don't make those two defendants equally liable. Let's make one of them 99 percent liable and the other 1 percent liable and then I'll bet you're going to say, well, that's not fair for that 1 percent person to pay a 100 percent of that judgment when the 99 percent person didn't have any money. That offends me and I don't like that. That's what our rule is today as well. If we do nothing, if you kill LB 88 or don't advance it, you still have that fact situation, the 99 percent person, if they have no money today, walks away and the 1 percent gets stuck. My amendment, the guts of my amendment says that we've got to balance this. Senator Conway and Senator Ashford have worked very hard to try to fashion a balance and their balance says the plaintiff...the plaintiff who does nothing wrong shouldn't have to eat any of this. They didn't do anything wrong and so they shouldn't have to pay. We know it may not be exactly fair to make that 1 percent person eat 99 percent of it but it's better to have that 1 percent person pay than the person who did nothing wrong. My amendment changes our system a little bit. My amendment comes in and says, you're right to a certain extent, Senator Conway and Senator Ashford, you should have to pay all of those what we call economic damages, things that you actually would lose out of your pocket, the cost of the funeral, your medical expenses, the wages that you've lost, the future wages that you have lost. Those are economic damages as defined in my bill. And so that 1 percent person...let's just take the worst situation, that 1 percent person, you're going to